THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.17718 of 2005

Date:21.09.2005

A.P.Patra Welfare Association

--------PETITIONER

State of A.P., Rep. by its Chief Secretary, Govt. of A.P., Secretariat, Hyderabad

---------RESPONDENTS

ORDER:

The petitioner is a welfare association of a caste by name 'patra'. It is stated that after recognizing the backwardness of the said caste, the Government of Andhra Pradesh has issued orders in G.O.Ms.No.30, Backward Classes Welfare (P2) Department, dated 25.08.1994, including it in the list of backward classes. The G.O. is said to have been challenged in W.P.No.15747 of 1994 and batch. On the ground that the inclusion was not preceded by any recommendation of the State Commission for Backward classes, the High Court through its judgment in ***A.P.State B.C. Welfare Association v. A.P.State B.C. Welfare Dept.***, observed that inclusion of the caste in the list of backward classes straight away, cannot be sustained and took the view that the G.O in question can be treated as a proposal before the Commission, for undertaking necessary exercise.

The grievance of the petitioner is that though more than 11 years have lapsed, neither the State Government nor the Commission for Backward Classes has taken any steps and the persons belonging to the said caste are put to hardship. It is also pleaded that the National Commission for Backward Classes has examined the backwardness of the said caste and that on the basis of its recommendations, the Union of India issued a notification, dated 13.01.2004, including the same in the list of backward classes at Entry.No.105,

insofar as it relates to the State of Andhra Pradesh. The petitioner contends that there is absolutely no justification for the inaction on the part of respondents 1, 2 and 4 and seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Backward Classes.

The State Government is conferred with the power to make reservations in favour of the backward classes, in the matter of employment into public offices and admission into educational institutions. Several castes are recognized as backward classes, based upon the study conducted by the 3rd respondent. Obviously, on being satisfied about the backwardness of 'patra' caste, the Government issued G.O.Ms.No.30 in the year 1994. However, it was not preceded by a formal recommendation of the 4th respondent. This Court took note of the same and directed that the G.O. be treated, as a step for initiation of necessary proceedings before the 4th respondent. Almost a decade had lapsed. There cannot be any justification for respondents 1,2 and 4 for such a delay. The very purpose of inclusion of the caste in the list of backward classes was defeated and the persons belonging to the said caste were denied the benefit thereof, for a period of one decade.

One strong circumstance that exists in favour of the petitioner is that the Union of India had recognized the backwardness of this caste and issued a notification in the year 2004, by including the same caste in the list of backward classes. If the National Commission for Backward Classes operating at the national level felt it appropriate to undertake the study and make necessary recommendation as regards the caste in question, the 4th respondent is not justified in remaining silent for all these years. In view of the recent development, the 4th respondent can make use of the findings of the National Commission and make necessary recommendations.

For the foregoing reasons, the writ petition is disposed of, and respondents 1,2 and 4 are directed to take necessary steps, in the matter of inclusion of ‘patra’ caste in the list of backward classes, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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21.09.2005

Jsu